THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 10673 of 2001

Dated: 23.08.2005

Between:

Meda Srinivasa Rao, S/o Venkateswarlu,

Aged about 33 years, R/o D.No.2-6-5,

Stambala Garuva, Chowdarypeta post,

Guntur–6.

..... PETITIONER

AND

The Government of Andhra Pradesh reptd. By

its Secretary to Govt., Higher Education

Department, Secretariat, Hyderabad

and two others.

…. **RESPONDENTS**

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in not absorbing the petitioner into aided vacancies of lab boys or in any aided vacancy in the third respondent-College as illegal and arbitrary and consequently, direct the respondents to absorb the petitioner in any suitable aided vacancy in the third respondent-College.

The brief facts of the case that lead to filing the present writ petition are as follows: -

It is the case of the petitioner that initially he was appointed as Store Keeper vide

proceedings dated 14.09.1995 and later, the third respondent vide proceedings dated 18.08.1996 fixed his time scale in an unaided vacancy till the posts are admitted to grant in aid. It is his further case that since the date of appointment he has been working with the third respondent without any break in service in the unaided vacancy. While so, the permission sought for by the third respondent from the second respondent vide letter dated 15.12.1999 for filling up the aided vacancies of the posts of Lab boys by direct recruitment was granted and the third respondent was permitted to fill up the vacancies in a short span.

The petitioner further states that as per G.O.Ms.No.212 Finance and Planning dated 22.04.1994, all the services of the employees who have completed five years of service shall be regularized and also as per G.O.Ms.No.9 Finance and Planning Department, dated 08.01.1881, the contingent employees who have completed eight years of service shall be converted into Class-IV employees by regularizing their services. The petitioner claims that the above said G.Os are also applicable to his case. The petitioner also refers to the order passed by this Court in W.P.No.27088 of 1997, dated 20.01.2001, wherein the case of the similarly situated persons was considered in the light of the Government Orders referred to above and the third respondent-College was directed to convert the services of the petitioners therein into Class-IV employees and release the grant in aid in the time scale of pay attached to the post.

Now, the grievance of the petitioner is that though he made representation to the third respondent with a request to absorb him in the existing vacancies in Class-IV category, no action has been taken till now. The petitioner apprehends that in pursuance of the permission granted by the second respondent, if the vacancies are filled up there will be no vacancies available for his absorption. Hence, the writ petition.

Appropriate decision has to be taken by respondents 1 and 2 to absorb the petitioner in the aided vacancies. As a matter of fact, the third respondent sent proposals on 15.12.1999 and 06.08.2000 to the second respondent seeking permission to fill up the aided vacancies.

Therefore, without entering into the merits of the case, I deem it appropriate to dispose of the writ petition directing the second respondent to pass appropriate orders on the proposals of the third respondent dated 15.12.1999 and 06.08.2000. If

for any reason, those proposals are not available with the second respondent, the second respondent shall call for the same from the third respondent and take appropriate decision in accordance with law, within a period four months from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No order as to costs.

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23.08.2005

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